

Paper 1

Mail Stop Interference  
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Filed 25 August 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

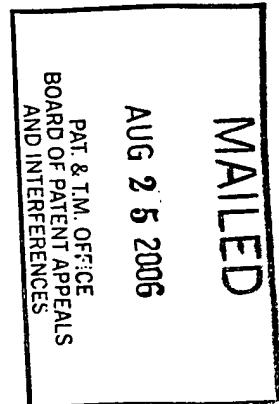
HARUO SUGANO,  
MASAMI MURAMATSU, and TADATSUGU TANIGUCHI

Junior Party  
(Patent 5,514,567 and 5,326,859),

v.

DAVID V. GOEDDEL,  
and ROBERTO CREA

Senior Party  
(Application 07/374,311).



Patent Interference No. 105,334  
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)<sup>1</sup>

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s)

<sup>1</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

**Part B. Judge managing the interference**

Administrative Patent Judge Sally Gardner Lane has been designated to manage the interference. Bd. R. 104(a).

**Part C. Standing order**

A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this DECLARATION. The STANDING ORDER applies to this interference.

**Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **2:00 p.m. on 18 October 2006** (the Board will initiate the call).

No later than **four business days** prior to the conference call, each party shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a shorter or longer period.

**Part E. Identification and order of the parties**

**Junior Party**

Named inventors: Haruo Sugano  
Tokyo, Japan

Masami Muramatsu  
Saitama-ken, Japan

Tadatsugu Taniguchi  
Tokyo, Japan

Involved Patent: 5,514,567, issued on 7 May 1996 from application  
08/400,179, filed 6 March 1995.

Title: NOVEL DNA AND RECOMBINANT PLASMID

Involved Patent: 5,326,859, issued on 5 July 1994 from application  
06/201,359, filed 27 October 1980

Assignee: Juridical Foundation, Japanese Foundation for  
Cancer Research

Senior Party

Named Inventors: David V. Goeddel  
Burlingame, CA

Roberto Crea  
Burlingame, CA

Involved Application: 07/374,311, filed 30 June 1989

Title: MICROBIAL PRODUCTION OF MATURE HUMAN  
FIBROBLAST INTERFERON

Assignee: None available

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior party is responsible for initiating settlement discussions. SO ¶ 126.1.

**Part F. Count and claims of the parties**

Count 1

Claim 9 of Sugano, 5,514,567

or

claim 6 of Sugano, 5,326,859

or

claim 35 of Goeddel, 07/374,311

The claims of the parties are:

Sugano, 5,514,567: 1-31

Sugano, 5,326,859: 1-9

Goeddel, 07/374,311: 25-52

The claims of the parties that correspond to Count 1 are:

Sugano, 5,514,567: 9-14,18-20, 24-27, and 29

Sugano, 5,326,859: 1 and 6-9

Goeddel, 07/374,311: 25-52

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference, are:

Sugano, 5,514,567: 1-8, 15-17, 21-23, 28, 30, and 31

Sugano, 5,326,859: 2-5

Goeddel, 07/374,311: none

The parties are accorded the following benefit for Count 1:

Sugano: (as to patent 5,514,567):

US 06/389,922, filed 18 June 1982

US 06/201,359, filed 27 October 1980, issued as involved  
patent 5,326,859 on 5 July 1994

Goeddel: US 06/879,712, filed 27 June 1986

US 06/291,892, filed 11 August 1981

US 06/190,799, filed 25 September 1980

**Part G. Heading to be used on papers**

The following heading must be used on all papers filed in this interference, see  
SO ¶ 106.1.1:

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**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.

/Sally Gardner Lane/  
Administrative Patent Judge

Enc:

Copy of STANDING ORDER  
Form PTO-850  
Copy U.S. Patents 5,514,567 and 5,326,859  
Copy of claims of 07/374,311

Revised 3 January 2006

cc (via overnight delivery):

Attorney for Sugano:

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